

Senate Bill 472

By: Senators Grant of the 25th, Hill of the 4th, Mullis of the 53rd, Hamrick of the 30th, Cowsert of the 46th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to be considered by the State Board of Pardons and Paroles generally, conduct of investigation and examination, determination as to grant of relief, and notice to victims, so as to clarify the meaning of 'entirely incapacitated' for purposes of granting medical reprieves authorized by the Constitution of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to be considered by the State Board of Pardons and Paroles generally, conduct of investigation and examination, determination as to grant of relief, and notice to victims, is revised by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting a new subsection (c) to read as follows:

"(c) For purposes of determining eligibility for a medical reprieve authorized by Article IV, Section II, Paragraph II of the Constitution of Georgia, the term 'entirely incapacitated' shall include an offender who:

(1) Requires assistance in order to perform at least two necessary daily life functions or who is completely immobile;

(2) Has such limited physical or mental ability, strength, or capacity that he or she poses an extremely low risk of physical threat to others or of committing a crime similar to that for which he or she is now serving;

(3) Requires nursing home level of care as defined by the Department of Community Health; and

(4) Suffers from a progressively debilitating terminal illness.

For purposes of this subsection, necessary daily life functions shall include eating, breathing, utilizing a toilet, walking, and bathing."

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SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.